

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA**

|                                 |   |                                 |
|---------------------------------|---|---------------------------------|
| KYLIE AMISON,                   | ) |                                 |
|                                 | ) |                                 |
|                                 | ) |                                 |
| <i>Plaintiff,</i>               | ) |                                 |
|                                 | ) |                                 |
|                                 | ) |                                 |
| v.                              | ) | Civil Action No.: 1:22-cv-00731 |
|                                 | ) |                                 |
| RECTOR AND VISITOR OF GEORGE    | ) |                                 |
| MASON UNIVERSITY, <i>et al.</i> | ) |                                 |
|                                 | ) |                                 |
|                                 | ) |                                 |
| <i>Defendants.</i>              | ) |                                 |

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**RECTOR AND VISITOR OF GEORGE MASON UNIVERSITY AND GEORGE  
MASON UNIVERSITY NOTICE OF APPEAL**

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Pursuant to the collateral order doctrine, Rector and Visitor of George Mason University and George Mason University (collectively “Mason”) appeal to the United States Court of Appeals for the Fourth Circuit from the order denying Mason’s motion to dismiss entered on December 5, 2022. Mason is an “arm of the Commonwealth of Virginia,” *Adkins v. Rector & Visitors of George Mason Univ.*, No. 15cv879, 2015 U.S. Dist. LEXIS 128150, at \*4 (E.D. Va. Sept. 23, 2015), and this appeal raises issues of Eleventh Amendment and sovereign immunity; therefore, this appeal falls within the collateral order doctrine. *See Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 147 (1993).

Mason has filed a motion for reconsideration under Rule 59 and 60 of the December 5, 2022 Order. *See* Dkt. 21, 22. Therefore, pursuant to Fed. R. App. P. 4(a)(4)(B)(i), this notice does not become effective until the District Court enters an order resolving Mason’s motion under Rule 59 and 60, and this appeal should be held in abeyance until resolution of the pending motion.

December 29, 2022

RESPECTFULLY SUBMITTED,

\_\_\_\_\_/s/\_\_\_\_\_  
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Mason University and George Mason  
University*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of December 2022, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record in this case.

\_\_\_\_\_/s/\_\_\_\_\_  
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